

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-4, drawn to a film;

Group II: Claim 5, drawn to a laminated film; and

Group III: Claim 6, drawn to a coated substrate.

Applicants elect with traverse, Group I, Claims 1-4, drawn to a film.

The Examiner has indicated that invention Groups I and II are related as mutually exclusive species in an intermediate and final product relationship. In the present case, the intermediate product of Group I can be useful as a single coating on a substrate. In addition, invention Groups I and III are also indicated as mutually species in an intermediate and final product relationship. In this instance, the intermediate product of Group I is deemed useful as a laminated structure.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinction between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that the laminated film of Group II, claim 5 depends on Group I claims 1-4, and therefore, are a combination-subcombination relationship and two-way distinctness is required. Since the Examiner has not shown a two-way distinctness between invention Groups I and II, restriction between these two groups is improper. With regard to invention Groups I and III, since the coated substrate (III) requires the same coating of film (I), these two Groups are also a combination-subcombination, requiring two-way distinctness.

Moreover, the M.P.E.P. in §803 states as follows:

“If the search and examination of an entire application can be made without serious burden, the Examiner *must* “emphasis added” examine it on the

merits, even though it includes claims to distinct and independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Patent Office.

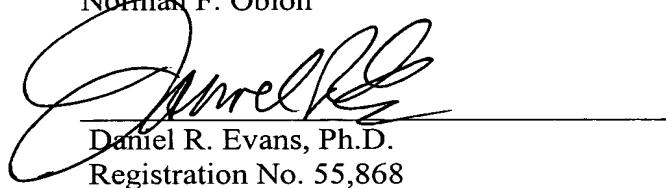
Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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